

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PETER GAKUBA,)	
)	
Plaintiff,)	
vs.)	Case No. 22-cv-00843-SMY
)	
APRIL WAMPLER,)	
MICHELLE NEESE,)	
MS. HELREGEL,)	
BAHRAT SHAH,)	
DAVID RAINS, and)	
JAKE BROOKHART,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the Court on the Motion to Dismiss filed by Defendant Bharat Shah, M.D. (Doc. 34). Dr. Shah asserts that he is misidentified in this case. Plaintiff did not respond to the motion.¹

Plaintiff's claims in this case arose in July-September 2019 at Robinson Correctional Center (Docs. 10, 11). The Court allowed Plaintiff to proceed against Dr. Shah on his claims in Counts 3, 5, and 6, based on Dr. Shah's alleged failure to treat Plaintiff's nervous breakdown in September 2019.

Dr. Shah, whose full name is Bharat Kantilal Shah, asserts that he had formally retired from the practice of medicine by the time Plaintiff's claims arose and that he never worked at Robinson Correctional Center and never treated or assessed Plaintiff. (Doc. 34; Doc. 34-1). He is

¹ Plaintiff Gakuba's original deadline to respond to the motion was June 26, 2023 (Doc. 46), and the Court extended his deadline to August 16, 2023 (Doc. 54). However, on July 28, 2023, the U.S. Court of Appeals, Seventh Circuit, imposed a filing ban on Plaintiff in *Gakuba v. Maher*, Appeal No. 22-3267 (Doc. 20 in that case). All federal courts in the Seventh Circuit are directed to return unfiled any papers submitted by Gakuba in non-habeas civil cases. The ban will be lifted when Gakuba makes full payment of the appellate filing fees for Appeal No. 22-3267.

aware of other physicians by the name of Bharat Shah, and concludes that Plaintiff incorrectly identified and served him. The Court agrees with Dr. Shah that Plaintiff's claims against him fail as a matter of law as Dr. Bharat Kantilal Shah is not the individual who allegedly treated or failed to treat Plaintiff at Robinson.

Accordingly, Defendant Shah's Motion to Dismiss (Doc. 34) is **GRANTED**. Plaintiff's claims against Bharat Kantilal Shah, M.D., are **DISMISSED with prejudice**. The Clerk of Court is **DIRECTED** to terminate Defendant Shah from this action.

IT IS SO ORDERED.

DATED: December 13, 2023

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge